

Serial No. **10/024,296**

Docket No. **P-0302**

Amdt. dated August 9, 2006

Reply to Office Action of May 11, 2006

REMARKS

By the present response, Applicants have amended claim 7 to further clarify the invention. Claims 3, 5-8 and 15-24 remain pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 7 and 8 have been rejected under 35 U.S.C. § 112, second paragraph. Claims 3, 5-8 and 15-24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,377,818 (Irube et al.).

35 U.S.C. § 112 Rejections

Claims 7 and 8 have been rejected under 35 U.S.C. § 112 second paragraph. Applicants have amended the claims of the present application to further clarify the invention and respectfully request that these rejections be withdrawn.

35 U.S.C. § 102 Rejections

Claims 3, 5-8 and 15-23 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Irube et al. Applicants have discussed the deficiencies of this reference in Applicants' previously filed response and reassert all arguments submitted in that response. Applicants respectfully traverse these rejections and provide the following additional remarks.

Regarding claims 3, 15 and 21, Applicants submit that Irube et al. does not disclose or suggest the limitations in the combination of each of these claims. Initially, the Examiner makes

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an incorrect conclusion in stating that “the sub-address is the origination continuation message”.

The limitations in the claims of the present application relate to transmitting an originating message including a sub-address, receiving the originating message and judging whether there is an origination continuation message information in the originating message. Clearly, if the originating message includes a sub-address, there would be no need to judge whether an origination continuation message (if it is the sub-address) is in the originating message.

Further, the Examiner appears to assert that Irube et al. discloses judging by the destination terminal whether there is an origination continuation message information in the originating message, by col. 18, line 40. However, these portions merely disclose that upon reception of a call reception message, the handset informs the terminal main body of call reception message acknowledgement. The Examiner appears to use impermissible hindsight in stating that “the call must determine whether there is an origination continuation message in order to send the acknowledgement”, since this is neither disclosed nor suggested in Irube et al. Irube et al, does not disclose or suggest an origination continuation message information, or a destination terminal judging whether an origination continuation message information is included in an originating message.

Moreover, the Examiner appears to asset that Irube et al. discloses determining whether a distinguishing function is set active in the destination terminal, by col. 6, lines 30-45. However, this disclosure of on/off switches controlling power to the terminal main body does not disclose

or suggest anything related to a distinguishing function, as recited in the claims of the present application. Further, these portions do not disclose or suggest determining whether a distinguishing function is set active in the destination terminal. Applicants fail to understand any connection between these portions of Irube et al. and the limitations in the claims of the present application.

In addition, the Examiner appears to assert that Irube et al. discloses distinguishing whether a call associated with the originating message is a video call or a voice call based on the sub-address if the distinguishing function is set and if an origination continuation message transmitted after the originating message is received at the destination terminal, by col. 18, lines 15-30 and col. 13, lines 35-45. However, these portions merely disclose that an originating terminal places a call by setting the non-limited digital mode as transmission performance in its call setup message, and appending call type information indicating a multimedia communication to a predetermined field of an inter-user information message that can be contained in the call setup message, and that a main controller confirms if the partner terminal can perform video/voice multiplex communications and grants execution of the video/voice multiplex communication or denies execution if the terminal is not capable and shifts to a telephone mode to allow voice conversations alone. This is not distinguishing whether a call associated with the originating message is a video call or a voice call based on the sub-address if the distinguishing function set and if an origination continuation message transmitted after the originating message

is received at the destination terminal, as recited in the claims of the present application. These portions of Irube et al. merely relate to determining capability of a terminal to receive video/voice communications. These portions do not disclose or suggest distinguishing whether a call is a video call or a voice call based on a sub-address, as recited in the claims of the present application. Further, Irube et al. does not disclose or suggest performing the distinguishing if the distinguishing function is set and if an origination continuation message transmitted is received at the destination terminal. Irube et al. does not disclose or suggest a distinguishing function being set or an origination continuation message transmitted after the originating message being received at the destination terminal. In addition, the Examiner appears to again use impermissible hindsight in reading the limitations of the claims of the present application back into the cited reference by asserting that “if the code device is able to grant execution of the mode it must be able to distinguish between a voice only call or video/voice multiplex call”. However, this is not disclosed in the cited reference or implied in the cited reference. Irube et al. discloses negotiation between a main controller and partner terminal to confirm the capability of the partner terminal. In this regard, the partner terminal need not be able to distinguish between a voice only call or video/voice multiplex call, but need only be able to communicate its capability to the controller.

Regarding claims 5-8, 16-20 and 22-24, Applicants submit that these claims are dependent on one of independent claims 3, 15 and 21 and, therefore, are patentable at least for

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the same reasons noted previously regarding these independent claims.

Accordingly, Applicants submit that Irube et al. does not disclose or suggest the limitations in the combination of each of claims 3, 5-8 and 15-24 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

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CONCLUSION

In view of the foregoing amendments and remarks Applicants submit that claims 3, 5-8 and 15-24 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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